G. R. S. App. F. IX-4]

Previous References.

1942.

(Legis)

File No. 2-42.

Serial Nos.

Later References.

Secy-43-1

PRESERVED

(66)

GENERAL AND REVENUE SECRETARIAT

rial Nos.

Part B for September 1942

SUBJECT.

The Essential Services (Maintenance) Act, 1942
(Act XXIII of 1942)

To

The Computer Mysore Gazette
Order No RL 96 Legis 2-42-1 dated 22-7-42
Notifies the publication of the Essential
Services (Maintenance) Act. 1942

J. Venkatanarasimha.
14-9-42

Serial No.	

Reference is invited to Ordinance No. XI of 1941 promulgated on the 20th of December 1941, namely, "the Essential Services Ordinance".

This ordinance applies to all employment under the Government and to any employment which the Government may notify as essential for securing the defence of India, the public safety, the maintenance of public order, the efficient prosecution of war or for maintaining supplies or services necessary to the life of the community. In such cases the ordinance provides that any employee who disobeys any order or abandons his appointment or absents himself from work without reasonable excuse, or any employer who discontinues the employment of any person or closes his establishment, shall be guilty of an offence punishable with imprisonment for a term which may extend to one year and also liable to fine. This Ordinance also empowers the Government or an authority authorised by the Government to direct any employee not to depart out of a specified area or areas. In another file (Confidential 2140/C.B.) it has been stated that provision should be made for the maintenance of essential services by undertaking legislation of the kind now under consideration. This is a

Essential Services (Maintenance) Ordinance

File No. 635/42 of 194

General and Revenue Secretariat
R. A. & L. C.

Serial No.

DEWAN'S OFFICE
21 JAN 1942
NO. 6304

JAN 20 1942
No. 7444

the Law Secretary to Government and the Collector, Civil & Military Station.

A Draft Bill on the lines of the British Indian Ordinance is put up for consideration. It may perhaps issue as an emergency measure in the first instance, and should circumstances necessitate it, as a permanent measure thereafter.

Notifications by the Government of Bengal under this Ordinance declaring certain employments to which the Ordinance ~~is applicable~~ should apply are also put up for perusal.

19.1.42

Secy (R&Dc)

BKR 19.1.42

Law Secy)

The draft Bill may be approved. - may be ~~enacted~~ issued as an emergency measure in the first instance and later on, as a permanent measure if necessary.

It is only after a notification issued under S. 3 of the Act, the provisions will be applied to any service or employment. However, it is necessary to have such an Act in Mysore also

SECY. LAW DEPT. 642 20 JAN 1942 GOVT OF MYSORE

SECY DEPT. 20 JAN 1942

Minister in Law)

Hm 20.1.42

BKR 20.1.42

Dewan)

21/1

Hm 21.1.42

BKR 21-1-42

Mee 22/1/42

General and Revenue Secretariat
R. A. & L. C.

File No. 635/M of 194 .

App. F. III-2

Serial No.

DEWAN'S OFFICE
23 JAN 1942
NO 6366.

This is a Council matter and may be disposed of by circulation.

Dewan) Hm 2 23.1.42 BKR 23.1.42

SRM 24/1/42

for favour of circulation

Chief Secy Mc.) Hm 2 26.1.42 BKR 26.1.42

26 JAN 1942 GOVT OF MYSORE.

circulation memo

42 signed MK 27/1

A & F.N. is put up for Consideration.

Sec RA & Le) SRM 31.1.42 BKR 31.1.42

SECY. LAW DEPT. 971 31 JAN 1942 GOVT OF MYSORE

Law Secy) D. F. N. submitted

OFFICE OF THE MINISTER FOR FINANCE & REVENUE - 2 FEB 1942 No 4449

Minister for Law.) Hm 2 31.1.42. BKR 31.1.42

SRM 32

DEWAN'S OFFICE 5 FEB 1942 No. 6793

S. N. submitted

Dewan) Hm 4.2.42 SRM 5.2.42

NOTE—Contn. Sheet.

Essential Services (Maintenance) Emergency Act, 1942

General and Revenue Secretariat R. A. & L. C.

File No. 635/M of 194

App. F. III-2

Serial No.

The gracious assent of ~~His~~ His Highness the Maharaja has been accorded on 20.2.42 to promulgate the Essential Services (Maintenance) Emergency Act, 19

A draft G.O. directing publication of the Act as Act No XVI of 1942 is put up.

May be approved.

After publication in the Gazette, the file will be sent to the Law Secretariat for further action in respect of issuing a notification under Section 3 of the Act.

BXR 4.3.42

Law Secy

Hm 2 4.3.42.

Jstne BXR 4.3.42

Issued No R.L. 1665 Legis 48-41-1 dated 4-3-1942 to the compiler Mysore Gazette directing publication in part IV of the Gazette as Act No XVI of 1942. The notification has appeared in part IV of the Gazette dated 5-3-1942 on pages 70-73.

If approved, this file may be recorded

Essential Services (Maintenance) (Emergency) Act 1942

File No. 635 | RL of 194 .

General and Revenue Secretariat
R. A. & L. C.

Serial No.

MAY 8 1942
11551.

SECY. L[illegible] DEPT.
4014
7 MAY 1942
GOVT OF MYSORE

A Statement of general principles and a draft Bill modelled on the lines of the Emergency Act are put up for Consideration.

Orders have been issued for placing the Bill before the R.A. in June. The assent of His Highness has been obtained to do so

7.5.42

Law Secy)

Secy R.A. he is on leave today. 7.5.42

The Statement of principles may be approved.

Minister for Law.)

9.5.42
8.5.42

9-5-42

11/5/42
BKR
11.5.42

The Principles of this Bill were approved by a majority of 146 to 126 when the Bill was placed before the RA on 2nd June.

This Bill will be published under the orders of the Dewan under rule 36 of the Legislative Rules. It will not be necessary in that case to move for

Essential Services (maintenance) Bill.

Continuation Sheet. File No. Current No. of Page.

clause 7(3)

During discussion on the Bill in the Rd the Law Minister was pleased to observe that in regard to unpaid services, prosecution would be only after permission by Government and not even by a Police person authorised by Govt. It is for advn if the words "the Government or by" may be added at the end of line 2 of 7(3)

JUN 3 1942 No 12335

DEPUTY OFFICE 4 JUN 1942 No 10576

leave to introduce in the L.C.

The Statement of principles will be adopted as the Statement of Objects and Reasons

Secy RA&C) 3.6.42

BJR 3.6.42 Law Secy 3.6.42

Law Secy)

Minister for Law Ceylon 3-6-42

6/6/42

Submitted with a draft notification for appn.

DSM 6.6.42

Issue 6.6.42

Issued No RL 2567 dated 6.6.42

The bill is proposed to be introduced at the ensuing August Session of Nat. C.

The following motions in respect of the above bill are suggested for consideration.

1 Motion to introduce the bill and to move that the bill published under Rule 36 of the Legislative Rules, be taken into consideration by the Council at once.

Mover - Minister for Law Revenue.

Essential Services (Maintenance) Bill

Continuation Sheet. Legislative File No. / Current No. of 41-42. Page.

2) Motion that the bill be passed
"Law"
Mover – Minister for ~~Finance & Revenue~~.

DMR
9.6.42
BVN
9/6.

BKR
10-6-42

Law Minister)

Rec
CJS

The Essential Services (Maintenance) ordinance has been amended recently in British India by ordinance XVI of 1942. Section 2 of the amending ordinance empowers Provincial Government to make orders under section 4 of the Principal Ordinance in respect of persons in their employment. This does not require any change in ours.

By section 3, certain explanations have been added to section 5 of the Principal Act. It is now laid down that exposure to increased physical risk is not a reasonable excuse for abandonment of employment. It is clarified that a strike or termination is not enough even where the Contract of employment provides for such a form of termination and that Consent of the employee is essential.

Section 5 of the amending ordinance makes offences under the ordinance Cognisable.

It is for us to see if similar amendments have to be undertaken in ours also. In such case appropriate motions have to be tabled for the Leg. Assembly and moved when the Principal Bill comes up for consideration.

Secy (RA&SC)
Law Secy
Law Minister

Secy
18.6.42
BKR
18/6/42
18.6.

CWD 06260—GPS—500 pads of 100 sheets each—20-3-42

Essential Services maintenance Bill.

6352

This necessity for others may be considered later.

18-6-42

18.6.

DEVANAGARI OFFICE
4 JUL 1942
No. 206

The Bill was introduced in the Council and Taken into Consideration. The Bill was finally passed a draft thereof for approval and

21.6

BGVR
30.6.42

Law Secy

Govt

Law Secretary

1.7.42

BGOY. LAW DEPT.
30 JUNE 1942
GOVT OF MYSORE

The Essential Services (Maintenance) Act, 1942

Continuation Sheet. File No. / Current No. 629/[illegible] of Page.

The gracious assent of His Highness the Maharaj was accorded on the 7th day of July 1942 to promulgate the Bill into Law.

A draft G.O. directing publication of the Act as Act No XXIII of 1942 is submitted for approval

20-7-42
BVN 20/7.

Secy DA. &c) 20.7.42

BVR 20 7 42

Law Secy)

Cus 20-7-42

DSher BVR 20.7.42

Issued No RL 96 Legis 2-42-1 dated 22nd July 1942 to the Director compiler Mysore Gazette

The Act has been published in part III of the Gazette dated 23rd July 194

by the Act is put up. The file will be closed if

GL. LAW DEPT. 745 20 JULY 1942 GVT OF MYSORE

For Disposal by Circulation. **No. C. 664**

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

Essential Services (Maintenance) (Emergency) Act 1942.

Circulated to the Council of Ministers.

By Order,

Chief Secretary to Government.

27th January 1942.

Minister for Finance and Revenue. 28.1.42

Minister for Law. (Seen)

Minister for Education. 29.1.42

Minister for Local Self-Government and Public Health. (on deputation)

Law Secy. with compliments

Submitted to His Highnes

I submit herewith a Final Note by the Minister for Finance a Revenue on the subject or the proposal to enact legislation in Mysore the lines of the Essential Services (Maintenance) (Emergency) Act, 194 of the Government of India, for His Highness's gracious approval.

Camp - Bhadravati,
6th February 1942.

D E W A N.

FINAL NOTE BY THE MINISTER FOR FINANCE AND REVENUE.

Subject:—

The Essential Services (Maintenance) (Emergency) Act, 1942.

By an Ordinance promulgated on the 20th of December 1941, namely, the Essential Services (Maintenance) Ordinance, the Government of India have made provision for the maintenance of certain essential services. This Ordinance applies to employment under the Crown and to any other employment to which the Ordinance may by Notification be applied. In respect of such employment it is made an affence for any person who is engaged therein to disobey any lawful order, or to abandon such employment or absent himself from work without reasonable excuse, or to depart from any specified area without the consent of the proper authority. The Government are also empowered to regulate the wages and other conditions of services of persons employed in such employment. The penalty prescribed is imprisonment which may extend to one year and also fine.

It is considered desirable to have similar legislation in Mysore also. In times of panic and when essential services have to be kept working, it is essential that persons employed in such undertaking should be deterred from abandoning their work.

It is proposed to issue a similar Act in Mysore as an Emergency Act in the first instance, and should circumstances render the continuance of the measure necessary, to introduce it thereafter in the Representative Assembly and the Legislative Council.

The Dewan and the other Ministers are agreeable to these proposals and I solicit the gracious sanction of His -

(F.N.—contn.)

His Highness to them.

K V Chandrasekara

MINISTER,
FINANCE AND REVENUE.

Bangalore,
3rd February 1942.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Law on the subject of the promulgation into law of the Essential Services (Maintenance) Bill, for His Highness's gracious approval.

N M Ramaswamy

DEWAN.

Bangalore,

4th July 1942.

Final Note by the Minister for Law.

Subject.—

Promulgation into law of the Essential Services (Maintenance) Bill.

The Essential Services Emergency Act, 1942 was promulgated on the 20th February 1942, with the gracious approval of His Highness.

The conditions which necessitated the passing of this measure are not likely to cease within the period of six months, which is the normal life of an Emergency Act. It wa therefore proposed to place it permanently on the Statute Boo and accordingly, a Bill drafted on the lines of the Emergency Act was placed before the Representative Assembly at its recent Budget Session. The Representative Assembly, by a large majority, accepted the general principles of the Bill.

The Bill was introduced in the Legislative Council at its recent Session and passed by the House.

A copy of the Bill, as passed by the Council and signed by the President is submitted for His Highness' assent.

I solicit the gracious approval of His Highness to promulgate the Bill into law.

Bangalore,
2nd July 1942.

MINISTER FOR LAW.

STATEMENT OF CASES SUBMITTED FOR THE ORDERS OF HIS HIGHNESS THE MAHARAJA DURING THE TOUR OUTSIDE THE STATE IN... February 1942.

Register No.	Subject	Orders of His Highness	Order regarding submission of files (*vide* foot-note)
627	Proposal to enact legislation in Mysore on the lines of the Essential Services (Maintenance (Emergency) Act, 1942.	VRN 20/2/'42	

NOTE.—The letter a, b or c may kindly be inserted by the Private Secretary to His Highness in the last column to indicate whether—

File may be submitted at one ... ... a
File may be submitted after His Highness' return ... ... b
File may not be submitted at all

General and Revenue

Secretariat.

e664.

SUBJECT:—

Proposal to enact legislation in Mysore on the lines of the Essential Services (Maintenance (Emergency) Act, 1942.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

34. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/~~after~~ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.) (*)

M. S. [illegible] 26/2

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department.

[illegible]
2.
26.2.42

5183
27.2.42

Minister for Finance and Revenue. [illegible] 27.2

Minister for Law. [illegible] 27/2/42

4655
27.2.42

Minister for Education. [illegible] 27.2.42

5758
28.2.42

Minister for Local Self-Govt. and Public Health. ~~[illegible]~~

2.3.42

Law Secy.
With compliments

[illegible]
3/3/42

BKR
3.3.42

WD 04199—GPB—500—27-9-41

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. RL 1665 Legis 48-41-1

Dated, Bangalore, 4-3-1942

Ordered that the accompanying Essential Services (Maintenance) (Emergency) Act, 1942

which received the assent of His Highness the Maharaja, on the 20th day of February 1942 be published as Act No. XVI of 1942 in the *Mysore Gazette*, for general information.

4.3.42

4.3.42 ~~General~~ Secretary to Government.
Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

To the Translation Section

Power to order persons engaged in certain employments to remain in specified areas.

4. (1) In respect of any employment or class of employment declared under section 8 to be an employment or class of employment to which this Act applies, the Government making the declaration, or an officer authorised in this behalf by that Government, may by general or special order, direct that any person or persons engaged in such employment shall not depart out of such area or areas as may be specified in such order.

(2) An order made under sub section (1) shall be published in such manner as the Government or officer making the order considers best calculated to bring it to the notice of the persons affected by the order

5. Any person engaged in any employment or class of employment to which this Act applies who--

(a) disobeys any lawful order given to him in the course of such employment, or

(b) without reasonable excuse abandons such employment or absents himself from work, or

(c) departs from any area specified in an order under sub section (1) of section 4 without the consent of the authority making that order,

and any employer of a person engaged in an employment or class of employment declared under section 8 to be an employment or class of employment to which this Act applies, who without reasonable cause--

(i) discontinues the employment of such person, or

(ii) by closing an establishment in which such person is engaged, causes the discontinuance of his employment.

is guilty of an offence under this Act

6. (1) The Government may make rules regulating or empowering a specified authority to regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment o

class of employment declared under section 3 to be an employment or class of employment to which this Act applies.

(2) When any such rules have been made or when any directions regulating wages or conditions of servi have been given by an authority empowered by such rule thereto given them, any person failing to comply with is guilty of an offence under this Act.

7. (1) Any person found guilty of an offence under this Act shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

(2) Where the person accused of an offence under this Act is a company or other body corporate, every director, manager, secretary or other officer thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No Court shall take cognizance of any offence under this Act except upon complaint in writing made by a person authorised in this behalf by the Government.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

9. Any declaration, order, rule or regulation made and any direction given under this Act shall have effect notwithstanding anything inconsistent therewith

NOTIFICATION.

Order No. R. L. 1665—*Legis.* 48-41-1, *dated Bangalore, the 4th March* 1942.

Ordered that the accompanying Essential Services (Maintenance) (Emergency) Act, 1942, which received the assent of His Highness the Maharaja, on the 20th day of February 1942, be published as Act No. XVI of 1942, in the *Mysore Gazette*, for general information.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.

ACT No. XVI OF 1942.

Essential Services (Maintenance) (Emergency) Act, 1942.

(Received the assent of His Highness the Maharaja on the 20th day of February 1942.)

WHEREAS the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to make immediate provision for the maintenance of certain essential services;

NOW THEREFORE in exercise of the powers conferred by sub-section (1) of section 31 of the Government of Mysore Act 1940 (XVIII of 1940);

It is hereby enacted as follows:

Short title, extent and commencement.

1. (1) This Act may be called the Essential Services (Maintenance) (Emergency) Act, 1942.
(2) It extends to the whole of Mysore.
(3) It shall come into force at once.

Interpretation

2. In this Act unless there is anything repugnant in the subject or context, "employment" includes employment of any nature and whether paid or unpaid.

Employment to which this Ordinance applies.

3. This Act shall apply to all employment under the Government and to any employment or class of employment which the Government, being of opinion that

such employment or class of employment is essential for securing the defence of India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies or services necessary to the life of the community, may, by notification in the official Gazette, declare to be an employment or class of employment to which this Act applies.

Power to order persons engaged in certain employments to remain in specified areas.

4. (1) In respect of any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies, the Government making the declaration, or an officer authorised in this behalf by that Government, may, by general or special order, direct that any person or persons engaged in such employment shall not depart out of such area or areas as may be specified in such order.

(2) An order made under sub-section (1) shall be published in such manner as the Government or officer making the order considers best calculated to bring it to the notice of the persons affected by the order.

Offences.

5. Any person engaged in any employment or class of employment to which this Act applies who—

(*a*) disobeys any lawful order given to him in the course of such employment, or

(*b*) without reasonable excuse abandons such employment or absents himself from work, or

(*c*) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the authority making that order,

and any employer of a person engaged in an employment or class of employment declared under section 3 to be an employment or class of employment to which this Act, applies, who without reasonable cause—

(i) discontinues the employment of such person, or

(ii) by closing an establishment in which such person is engaged, causes the discontinuance of his employment, is guilty of an offence under this Act.

Regulation of wages and conditions of service.

6. (1) The Government may make rules regulating or empowering a specified authority to regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies.

(2) When any such rules have been made or when any directions regulating wages or conditions of service have been given by an authority empowered by such rules to give them, any person failing to comply therewith is guilty of an offence under this Act.

7. (1) Any person found guilty of an offence under this Act shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

Penalties and procedure.

(2) Where the person accused of an offence under this Act is a company or other body corporate, every director, manager, secretary or other officer thereof shall, unless he proves that offence was committed without his knowledge or that he exercised, due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No Court shall take cognizance of any offence under this Act, except upon complaint in writing made by a person authorised in this behalf by the Government.

Bar of legal proceedings.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Effect of orders, rules, etc., made under this Act.

9. Any declaration, order, rule or regulation made and any direction given under this Act shall have effect notwithstanding anything inconsistent therewith contained in any Act, Regulation or Enactment.

N. MADHAVA RAU,
Dewan.

4. THE ESSENTIAL SERIVCES (MAINTENANCE) BILL.

Statement of ~~Principles~~ objects & Reasons.

By an ordinance promulgated on the 20th of December 1941, namely, the Essential Services (Maintenance) Ordinance, the Government of India have made provision for the maintenance of certain essential services. This Ordinance applies to employment under the Crown and to any other employment to which the Ordinance may by notification be applied. In respect of such employment it is made an offence for any person who is engaged therein to disobey any lawful order, or to abandon such employment or absent himself from work without reasonable excuse, or to depart from any specified area without the consent of the proper authority. The Government are also empowered to regulate the wages and other conditions of services of persons employed in such employment. The penalty prescribed is imprisonment which may extend to one year and also fine.

Many factories in Mysore are engaged in war production and it is necessary that the essential services should continue to function even during emergencies. Government therefore consider it necessary to have similar legislation in Mysore. As the matter was urgent, an Emergency Act was passed in February 1942. The conditions which have necessitated the passing of this measure are not likely to cease within the period of six months which is the normal life of an Emergency Act. It has therefore been proposed to place it ~~per~~manently on the Statute Book.

ESSENTIAL SERVICES (MAINTENANCE) BILL.

WHEREAS it is expedient to make provision for the maintenance of certain essential services;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Essential Services (Maintenance) Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Interpretation.

2. In this Act unless there is anything repugnant in the subject or context, "employment" includes employment of any nature and whether paid or unpaid.

Employment to which this Ordinance applies.

3. This Act shall apply to all employment under the Government and to any employment or class of employment which the Government, being of opinion that such employment or class of employment is essential for securing the defence of India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies or services necessary to the life of the community, may, by notification in the official Gazette, declare to be an employment or class of employment to which this Act applies.

Power to order persons engaged in certain employments to remain in specified areas.

4. (1) In respect of any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies, the Government making the declaration, or an officer authorised in this behalf by that Government, may, by general or special order, direct that any person or persons engaged in such employment shall not depart out of such area or ~~areas~~ as may be specified in such order.

(2) An order made under sub-section (1) shall be published in such manner as the Government or officer making the order considers best calculated to bring it to the notice of the persons affected by the order.

Offences.

5. Any person engaged in any employment or class of employment to which this Act applies who—

(*a*) disobeys any lawful order given to him in the course of such employment, or

(*b*) without reasonable excuse abandons such employment or absents himself from work, or

(*c*) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the authority making that order,

and any employer of a person engaged in an employment or class of employment declared under section 3 to be an employment or class of employment to which this Act, applies, who without reasonable cause—

(i) discontinues the employment of such person, or

(ii) by closing an establishment in which such person is engaged, causes the discontinuance of his employment, is guilty of an offence under this Act.

Regulation of wages and conditions of service

6. (1) The Government may make rules regulating or empowering a specified authority to regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies.

(2) When any such rules have been made or when any directions regulating wages or conditions of service have been given by an authority empowered by such rules to give them, any person failing to comply therewith is guilty of an offence under this Act.

Penalties and procedure.

7. (1) Any person found guilty of an offence under this Act shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

(2) Where the person accused of an offence under this Act is a company or other body corporate, every director, manager, secretary or other officer thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No Court shall take cognizance of any offence under this Act, except upon complaint in writing made by the Govt or by a person authorised in this behalf by the Government.

Bar of legal proceedings.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Effect of orders, rules, etc., made under this Act.

9. Any declaration, order, rule or regulation made and any direction given under this Act shall have effect notwithstanding anything inconsistent therewith contained in any Act, Regulation, or Enactment.

Repeal and savings.

10. The Essential Services (Maintenance) (Emergency) Act, 1942, (XXVI of 1942), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken, in exercise of powers conferred by or under this Act, as if this Act had commenced on the 20th day of February 1942.

Regd. No. M.—1175.

The Mysore Gazette

Vol. 77] PUBLISHED BY AUTHORITY. [No. 23

BANGALORE, THURSDAY, JUNE 11, 1942.

PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. R. L. 2565, dated Bangalore, the 6th June 1942.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the undermentioned Essential Services (Maintenance) Bill, together with the statement of objects and reasons.

By Order,

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

THE ESSENTIAL SERVICES (MAINTENANCE) BILL.

Statement of Objects and Reasons.

By an ordinance promulgated on the 26th of December 1941, namely, the Essential Services (Maintenance) Ordinance, the Government of India have made provision

for the maintenance of certain essential services. This Ordinance applies to employment under the Crown and to any other employment to which the Ordinance may by notification be applied. In respect of such employment it is made an offence for any person who is engaged therein to disobey any lawful order, or to abandon such employment or absent himself from work without reasonable excuse, or to depart from any specified area without the consent of the proper authority. The Government are also empowered to regulate the wages and other conditions of services of persons employed in such employment. The penalty prescribed is imprisonment which may extend to one year and also fine.

Many factories in Mysore are engaged in war production and it is necessary that the essential services should continue to function even during emergencies. Government therefore consider it necessary to have similar legislation in Mysore. As the matter was urgent, an Emergency Act was passed in February 1942. The conditions which have necessitated the passing of this measure are not likely to cease within the period of six months which is the normal life of an Emergency Act. It has therefore been proposed to place it permanently on the Statute Book.

ESSENTIAL SERVICES (MAINTENANCE) BILL.

WHEREAS it is expedient to make provision for the maintenance of certain essential services;

It is hereby enacted as follows:—

1. (1) This Act may be called the Essential Services (Maintenance) Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

2. In this Act unless there is anything repugnant in the subject or context, "employment" includes employment of any nature and whether paid or unpaid.

3. This Act shall apply to all employment under the Government and to any employment or class of employment which the Government, being of opinion that such employment or class of employment is essential for securing the defence of India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies or services necessary to

the life of the community, may, by notification in the Official Gazette, declare to be an employment or class of employment to which this Act applies.

Power to order persons engaged in certain employments to remain in specified areas.

4. (1) In respect of any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies, the Government making the declaration, or an officer authorised in this behalf by that Government, may, by general or special order, direct that any person or persons engaged in such employment shall not depart out of such area or areas as may be specified in such order.

(2) An order made under sub-section (1) shall be published in such manner as the Government or officer making the order considers best calculated to bring it to the notice of the persons affected by the order.

Offences.

5. Any person engaged in any employment or class of employment to which this Act applies who—

(*a*) disobeys any lawful order given to him in the course of such employment, or

(*b*) without reasonable excuse abandons such employment or absents himself from work, or

(*c*) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the authority making that order,

and any employer of a person engaged in an employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies, who without reasonable cause—

(i) discontinues the employment of such person, or

(ii) by closing an establishment in which such person is engaged, causes the discontinuance of his employment, is guilty of an offence under this Act.

Regulation of wages and conditions of service.

6. (1) The Government may make rules regulating or empowering a specified authority to regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies.

(2) When any such rules have been made or when any directions regulating wages or conditions of service have been given by an authority empowered by such rules

to give them, any person failing to comply therewith is guilty of an offence under this Act.

Penalties and procedure.

7. (1) Any person found guilty of an offence under this Act shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

(2) Where the person accused of an offence under this Act is a company or other body corporate, every director, manager, secretary or other officer thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No Court shall take cognizance of any offence under this Act, except upon complaint in writing made by the Government or by a person authorised in this behalf by the Government.

Bar of legal proceedings.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Effect of orders, rules, etc., made under this Act.

9. Any declaration, order, rule or regulation made and any direction given under this Act shall have effect notwithstanding anything inconsistent therewith contained in any Act, Regulation, or Enactment.

Repeal and savings.

10. The Essential Services (Maintenance) (Emergency) Act, 1942, (XXVI of 1942), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken, in exercise of powers conferred by or under this Act, as if this Act had commenced on the 20th day of February 1942.

THE ESSENTIAL SERVICES (Maintenance) BILL.

Sir,-- .I beg to introduce the Essential Services (Maintenance) Bill and to move that the Bill published under Rule 36 of the Mysore Legislative Rules be taken into consideration by the Council at once.

As I have already indicated, this is also a measure of legislation rendered necessary by the War. With the approach of war to Indian frontiers, the necessity for various measures to safeguard the civil population has arisen. But it avails little to pass Acts and constitute courts, unless the Government machinery runs smooth and all the Government employee are at their posts of duty. In addition, there are elementary facilities such as banking, sanitation, water supply, transport, etc., without which civil life becomes impossible and public health gets endangered. Lastly, there are certain commodities essential for war and for the life of the community production of which should be ensured in the public interest.

The present Bill is intended to secure this object. This Bill applies to service under the Government and any other employment to which it may be applied by a notification. The Bill prohibits a person who is engaged therein from disobeying a lawful order or abandoning his work or absenting himself from work without reasonable excuse or departing from any specified area without the consent of the proper authority. Such disobedience, abandonment, etc., is made an offence, punishable with imprisonment which may extend to one year.

The Bill is not one-sided. It does not stop with imposing a liability on the person employed and prescribing a penalty on him. His interests are safeguarded by clause 6. That clause empowers the Government, or an authority empowered by it, to regulate the wages and other conditions of service of persons engaged in a notified employment, and the employer is bound to comply with directions so issued, and makes non-compliance punishable. Further, prosecutions under the Act are not a routine affair. No court can take cognizance of any offence under this Act unless upon a complaint in writing made by the Government or by a person authorised by the Government. When the Bill was placed before the Representative Assembly early this month, I gave an assurance on behalf of the Government that in respect of persons who are not paid for their employment, the sanction for prosecution would be ordinarily reserved by the Government. Clause 7 (iii) is drafted so as to implement this. Persons coming under this Act will also get benefits under the Mysore War Injuries Act except where they get higher benefits under their usual terms of employment.

An ordinance similar to the Bill under consideration was promulgated in British India in December 1941. When the situation in South India and Mysore became acute in February last, we introduced an emergency measure on these lines. The situation still continues anxious. It is therefore necessary to place ~~it~~ the measure on the Statute Book permanently. It is a war measure. Steps will be taken to repeal it soon after the War is over.

The Bill was approved by the Representative Assembly in its recent session.

I am confident that it will receive the support of this House also.

I move that the Bill be taken into consideration by the Council.

NOTIFICATIONS.

No. R. L. 2565, *dated Bangalore, the 6th June* 1942.

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the undermentioned Essential Services (Maintenance) Bill, together with the statement of objects and reasons.

By Order,

C. NARAYANASWAMY NAIDU,

Secretary to Government,
Law Department.

THE ESSENTIAL SERVICES (MAINTENANCE) BILL.

Statement of Objects and Reasons.

By an ordinance promulgated on the 20th of December 1941, namely, the Essential Services (Maintenance) Ordinance, the Government of India have made provision

for the maintenance of certain essential services. This Ordinance applies to employment under the Crown and to any other employment to which the Ordinance may by notification be applied. In respect of such employment it is made an offence for any person who is engaged therein to disobey any lawful order, or to abandon such employment or absent himself from work without reasonable excuse, or to depart from any specified area without the consent of the proper authority. The Government are also empowered to regulate the wages and other conditions of services of persons employed in such employment. The penalty prescribed is imprisonment which may extend to one year and also fine.

Many factories in Mysore are engaged in war production and it is necessary that the essential services should continue to function even during emergencies. Government therefore consider it necessary to have similar legislation in Mysore. As the matter was urgent, an Emergency Act was passed in February 1942. The conditions which have necessitated the passing of this measure are not likely to cease within the period of six months which is the normal life of an Emergency Act. It has therefore been proposed to place it permanently on the Statute Book.

ESSENTIAL SERVICES (MAINTENANCE) BILL.

WHEREAS it is expedient to make provision for the maintenance of certain essential services;

It is hereby enacted as follows:—

1. (1) This Act may be called the Essential Services (Maintenance) Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

2. In this Act unless there is anything repugnant in the subject or context, "employment" includes employment of any nature and whether paid or unpaid.

3. This Act shall apply to all employment under the Government and to any employment or class of employment which the Government, being of opinion that such employment or class of employment is essential for securing the defence of India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies or services necessary to

the life of the community, may, by notification in the official Gazette, declare to be an employment or class of employment to which this Act applies.

Power to order persons engaged in certain employments to remain in specified areas.

4. (1) In respect of any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies, the Government making the declaration, or an officer authorised in this behalf by that Government, may, by general or special order, direct that any person or persons engaged in such employment shall not depart out of such area or areas as may be specified in such order.

(2) An order made under sub-section (1) shall be published in such manner as the Government or officer making the order considers best calculated to bring it to the notice of the persons affected by the order.

Offences.

5. Any person engaged in any employment or class of employment to which this Act applies who—

(*a*) disobeys any lawful order given to him in the course of such employment, or

(*b*) without reasonable excuse abandons such employment or absents himself from work, or

(*c*) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the authority making that order,

and any employer of a person engaged in an employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies, who without reasonable cause—

(i) discontinues the employment of such person, or

(ii) by closing an establishment in which such person is engaged, causes the discontinuance of his employment, is guilty of an offence under this Act.

Regulation of wages and conditions of service.

6. (1) The Government may make rules regulating or empowering a specified authority to regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies.

(2) When any such rules have been made or when any directions regulating wages or conditions of service have been given by an authority empowered by such rules

to give them, any person failing to comply therewith is guilty of an offence under this Act.

Penalties and procedure.

7. (1) Any person found guilty of an offence under this Act shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

(2) Where the person accused of an offence under this Act is a company or other body corporate, every director, manager, secretary or other officer thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No Court shall take cognizance of any offence under this Act, except upon complaint in writing made by the Government or by a person authorised in this behalf by the Government.

Bar of legal proceedings.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Effect of orders, rules, etc., made under this Act.

9. Any declaration, order, rule or regulation made and any direction given under this Act shall have effect notwithstanding anything inconsistent therewith contained in any Act, Regulation, or Enactment.

Repeal and savings.

10. The Essential Services (Maintenance) (Emergency) Act, 1942, (XXVI of 1942), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken, in exercise of powers conferred by or under this Act, as if this Act had commenced on the 20th day of February 1942.

D. H. C Candrasekharaya.

President, Legislative Council

2-)/6/42

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Essential Services (Maintenance) Bill.

Order.

7/7/'42.

General and Revenue

Secretariat.

SUBJECT :—

Promulgation into law of the Essential Services (Maintenance) Bill.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules for the conduct of business of Council in the Mysore Government Business Rules.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department.

198
10.7.42 Minister for Finance and Revenue.

Minister for Law.

213
10.7 Minister for Education.

Minister for Local Self-Govt. and Public Health.

Law Dept
W/C.

WD 06360—GPB—500—23-3-42

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. Legis-42-1

Dated, Bangalore, 2nd July 1942

Ordered that the accompanying Essential Services (Maintenance) Act, 1942

which received the assent of His Highness the Maharaja, on the 7th day of July 1942, be published as Act No. XXIII of 1942 in the *Mysore Gazette*, for general information.

General Secretary to Government.

Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Copy to the Translation Branch

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. ~~3~~ Legis. ~~2-42-1~~

Dated, Bangalore, ~~20~~th July 1942

Ordered that the accompanying Essential Services (Maintenance) Act, 1942 which received the assent of His Highness the Maharaja, on 7th day of July 1942, be published as Act No. ~~XXIII~~ of 1942 in the Mysore Gazette, for general information.

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

NOTIFICATION.

Order No. Rl. 96—Legis. 2-42-1, dated Bangalore, the 22nd July 1942.

Ordered that the accompanying Essential Services (Maintenance) Act, 1942, which received the assent of His Highness the Maharaja, on the 7th day of July 1942, be published as Act No. XXIII of 1942, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT No. XXIII OF 1942.

ESSENTIAL SERVICES (MAINTENANCE) ACT, 1942.

(Received the assent of His Highness the Maharaja on the seventh day of July 1942.)

Whereas it is expedient to make provision for the maintenance of certain essential services; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Essential Services Maintenance) Act, 1942.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Interpretation.

2. In this Act unless there is anything repugnant n the subject or context, "employment" includes employment of any nature and whether paid or unpaid.

Employment to which this Ordinance applies.

3. This Act shall apply to all employment under the Government and to any employment or class of employment which the Government, being of opinion that such employment or class of employment is essential for securing the defence of India, the public safety, the maintenance of public order or the efficient prosecution of war, or for maintaining supplies or services necessary to

the life of the community, may, by notification in the official Gazette, declare to be an employment or class of employment to which this Act applies.

Power to order persons engaged in certain employments to remain in specified areas.

4. (1) In respect of any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies, the Government making the declaration, or an officer authorised in this behalf by that Government may, by general or special order, direct that any person or persons engaged in such employment shall not depart out of such area or areas as may be specified in such order.

(2) An order made under sub-section (1) shall be published in such manner as the Government or officer making the order considers best calculated to bring it to the notice of the persons affected by the order.

5. Any person engaged in any employment or class of employment to which this Act applies who—

(*a*) disobeys any lawful order given to him in the course of such employment, or

(*b*) without reasonable excuse abandons such employment or absents himself from work, or

(*c*) departs from any area specified in an order under sub-section (1) of section 4 without the consent of the authority making that order,

and any employer of a person engaged in an employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies, who without reasonable cause—

(i) discontinues the employment of such person, or

(ii) by closing an establishment in which such person is engaged, causes the discontinuance of his employment, is guilty of an offence under this Act.

Regulation of wages and conditions of service.

6. (1) The Government may make rules regulating or empowering a specified authority to regulate the wages and other conditions of service of persons or of any class of persons engaged in any employment or class of employment declared under section 3 to be an employment or class of employment to which this Act applies.

(2) When any such rules have been made or when any directions regulating wages or conditions of service have been given by an authority empowered by such rules

to give them, any person failing to comply therewith is guilty of an offence under this Act.

Penalties and procedure.

7. (1) Any person found guilty of an offence under this Act shall be punishable with imprisonment for a term which may extend to one year and shall also be liable to fine.

(2) Where the person accused of an offence under this Act is a company or other body corporate, every director, manager, secretary or other officer thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of the offence, be liable to the punishment provided for the offence.

(3) No Court shall take cognizance of any offence under this Act, except upon complaint in writing made by the Government or by a person authorised in this behalf by the Government.

Bar of legal proceedings.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Effect of orders, rules, etc., made under this Act.

9. Any declaration, order, rule or regulation made and any direction given under this Act shall have effect notwithstanding anything inconsistent therewith contained in any Act, Regulation, or Enactment.

Repeal and savings.

10. The Essential Services (Maintenance) (Emergency) Act, 1942 (XXVI of 1942), is hereby repealed. But any rules made, anything done and any action taken in exercise of any power conferred by or under the said Emergency Act shall be deemed to have been made, done or taken, in exercise of powers conferred by or under this Act, as if this Act had commenced on the 20th day of February 1942.

N. MADHAVA RAU,
Dewan.

Adjournment motion.

(Bhadravathi Firing incident)

The PRESIDENT informed the House that Mr. K. Chengalaraya Reddy had sent in an adjournment to the following effect:-

> "That the business of the House be adjourned to discuss a definite matter of urgent public importance viz., the firing by the police at Bhadravati on 3-6-1942 resulting in the death of two labourers and a child, three years old."

and asked whether the member had leave of the House to move the adjournment motion.

As more than 60 members signified their assent the PRESIDENT stated that the motion would be taken up at 4 P.M. the same day.

B I L L S.

THE ESSENTIAL SERVICES (Maintenance) BILL.

The Chief Secretary to Government (Mr. M.G. Mehkri) explained the principles of the bill.

(Here enter the printed statement)

Mr. K.CHENGALARAYA REDDY opposed the measure on behalf of the Congress Party. In doing so, he said that this opposition to the bill which was a war measure might cause surprise to some members as only the previous day he had stated that the party would remain neutral in respect of war measures. By that statement he did not mean that the members of the party would remain neutral in respect of all war measures. It was their duty to oppose every war measure which sought to curtail the ordinary rights and liberties. That was the policy which the party had been adopting for the last 2 sessions. For example when the Civic Guards

Bill came up for discussion before the House during the last Budget Session, the Congress Party opposed it on the ground that the enactment would cause very great trouble for those who enrolled themselves as civic guards. Also under the War Investments Bill, if investments had been made compulsory, the party would have opposed it; but as it provided for voluntary investments, they did not oppose it. Only the previous day, three measures were passed by the House. The Congress Party had no objection to the first bill, viz., the War Injuries Bill, and as regards the other 2 bills which related to enhancement of penalties and the special criminal courts, they could have opposed but remained neutral with the suggestion that there should be no death sentence. But the bill before the House was a very important one in that it affected the liberties and rights of all Government officials, local bodies officials, employees in private concerns, labourers, owners, staff, etc., working in factories. Opposition to such a measure was justified and was not inconsistent with the policy adopted by the Congress for some time past. Some might argue that a measure like this was necessary to meet any extraordinary situation that might arise. In reply to such an argument his answer was that the Government had not thought of the right thing necessary to meet such a situation. With the help of measures like the one under discussion the situation could not be faced. The one powerful machinery which could deal with it was a ministry which was responsible to the legislature and which commanded the love and confidence of the public at large. Such a ministry did not exist in Mysore at present. The Ministers were

were not persons who commanded the confidence of the Assembly or the Council and he was afraid to vest in them the very wide powers which the bill proposed to give them. So instead of bringing a measure of this kind they should have thought of some other alternative. If the present ministry was changed and men responsible to the legislature occupied seats in the ministry he would have no objection to vesting them with these powers and not till then.

Continuing he said that "essential services" had not been defined and in the absence of such definition, any person or concern might be brought within the ambit of this law. The powers proposed to be vested in the Government were very wide and it was not right to entrust such powers to a ministry which was not responsible to the legislature.

Mr. KHAZI SYED YUSUF said that such a bill was necessary as there were many factories in Mysore, manufacturing articles helpful to war. There were at present many industrial concerns which were not observing working hours, leave, wages, etc. If an assurance was forthcoming that a provision to the effect that when the conditions of service referred to in clause 6 were not complied with by an employer, the declaration under clause 5 would be automatically cancelled, the Muslim League party had no objection to support this bill.

Mr. Bhupalam R.CHANDRASEKHARAYYA agreed with Mr. K.Chengalaraya Reddy that the bill deserved to be opposed for the reason that under it large powers were sought to be vested in the Government and that a ministry which did not enjoy the

confidence of the people should not be entrusted with such powers. At the same time he expressed the feeling that the Congress Party, instead of remaining neutral in respect of certain war measures had actively supported them, they would have helped to bring about a popular ministry. But since they had not done so, the second objection was not tenable. He then suggested that for purposes of regulating the wages and conditions of service, an Advisory Committee consisting of employers and representatives of labour and others be appointed. If this was done, he hoped there would be no objection for adopting the measure.

Mr. Ballam SRINIVASA RAO said that as the present ministry was appointed by His Highness the Maharaja the members were not justified in characterising it as a ministry which did not enjoy the confidence of the public or the legislature. It was the duty of every loyal citizen of the State to bow to the decision of the Ruler. If a few members did not like the present ministry, it did not mean that the others who formed the majority in the House had no confidence in the ministry. He therefore requested the President not to allow a discussion of this nature in the House.

Mr. M.SHANKARLINGE GOWDA said that even in a country like Australia which enjoyed full responsible government, when a coal strike took place recently, and slowly began to drift beyond control, Mr. Curtin had to pass a very much more stringent measure than the one under discussion. So whether there was responsible government or not, the measure before the House was a necessity.

The main objection to the bill from the Congress Party seemed to be that once it was pssed the party would not be able to convert the labourers to their way of thinking. For this very reason it was desirable to introduce the measure and keep it on the Statute Book till the war was over.

Mr. N.RAMA RAO stated that since he represented "large industries" in the House, he was competent to speak on it. It was immaterial whether there was a ministry responsible to [illegible] legislature or not. This was not a party question. But the most important points for consideration were whether there was any need for the bill or not, whether there was any hindrance to war effort and if there was, who had the power to prevent it. The war situation was becoming graver day after day and it had reached India also, and strenuous efforts were being made by almost all the concerns in India and also in the State to meet the requirements of war. To see that there was no hindrance to this war effort, it was absolutely necessary that the Government should have the necessary power and there could be no better authority than the Government who could be entrusted with this power.

Continuing he said that this was an emergency measure and when a necessity arose, Government must be in a position to set the machinery of law in motion almost instantaneously . Such being the case it was not desirable to constitute any advisory committee as was suggested by Mr. Bhupalam Chandrasekharayya.

One of the objections raised against this measure was that it would curtail the liberties and rights of the people. Every legislation meant some restriction to the rights and liberties of the people. He did not think that the Government were taking more power than necessary under the proposed measure.

Referring next to the question of placing the measure permanently on the Statute Book, he said, that this was a purely war measure and as such there was no need to retain it in the armoury of laws when the situation arising out of war conditions had ceased to exist. Such being the case he was at a loss to understand why the Government had proposed to place it dn the Statute Book permanently.

The PRESIDENT said that that was the idea of Government also. The idea of placing it on the Statute Book was to make it more permanently than an ordinance.

Mr. F.C.DEVRAJ URS in supporting the measure said that the Congress Party members would have done well to have remained neutral on this measure as in the case of other measures discussed the previous day. This was an emergency measure and whether there was a ministry responsible to the people or not in the State, it was the duty of every one of the members to support it.

Mr. MIRZA AZEEZULLA BEIG said that there was no connection between the coming into existence of a ministry responsible to the public and the

introduction of the measure under discussion. This was a period of war and extraordinary situations might develop suddenly, and if such situations arose, somebody must have the power to bring it under control. As was evident from the Dewan's Address, the State had undertaken to execute large orders for supplies of various kinds of articles for war purposes. The war had afforded a golden opportunity to the State to make a rapid advance in the filed of industry. If at such a time, due to the ill advice of some party, the labourers were to strike, the consequences would be disastrous. On the one hand the industrial progress in the State would be retarded and the supplies agreed to could not be kept up and on the other hand the chances for labour to get trained would be lost. They would have to face serious hardships. To prevent these things it was necessary that every one should support the measure. There were sufficient safeguards in the bill against undue hardship. For example no court could take cognisance of any offence except upon the complaint in writing made by a person authorised by the Government in this behalf and secondly no suit would lie against any person for anything which was done in good faith.

With these remarks he supported the measure.

Mr. Shampur PAPANNA said that the major issue before the House was to speed up the manufacture of war materials for helping allies to win the war. To safeguard the uninterrupted manufacture and supply of these materials, a bill of the type under

discussion was an absolute necessity. Nobody need be afraid of the measure as unlike in British India the law would be administered by the ministers who were sons of the soil and who knew the difficulties of the people. He was also of the view that this measure should be in force only till the war was over. Proceeding he said that the term "employment" under the measure included employment of any nature and whether "paid or unpaid". There were at present a number of vigilance committees and civic guards working on a vpluntary basis and if this law was extended to them also, he was afraid that people would not be forthcoming to work in those organizations. For this reason he suggested the deletion of the word "unpaid" from the definition in clause 3. With these remarks he supported the measure.

Rao Bahadur M.RAMASWAMI expressed at the outset his surprise at the opposition of the Congress Party to the measure. He said that in British India eminent congressmen like Mahatma Gandhi, Pandit Jawaharlal Nehru, Dr. Rajendra Prasad and others had been impressing in season and out of season that more and more industries should be started in India and the flowing of money out of India should be stopped. Even the Congress Governments in the British Provinces felt that they had not invested large sums on industries while in office. In Mysore State itself Sir M.Visvesvaraya gave impetus to the industries in the State and he was anxious to start some more industrial concerns. The State

had invested some crores of rupees on big industries during the last 20 years. The State ought to be proud of its achievement in the field of industry. To-day the State was in a position to execute orders to the extent of 3½ crores of rupees of war orders and it was a matter for pride for one and all. All this was made possible as a result of the foresight of the Government and to characterise such a Government as one which did not command the confidence of the people was to say anything but the truth. Proceeding he said that the State had undertaken a heavy responsibility as regards executing large orders. As a result of these orders, the State stood to benefit to a great extent financially and more funds would become available for expenditure on nation building activities. With a view to prevent any hindrance to the flow of these supplies, it was necessary that Government should be armed with the powers proposed in the measure. He hoped that the measure would receive the unanimous support of the House.

Mr. M.ABDUL RASOOL said that the idea behind the measure was protection of the life and property and the prevention of any breakdown of the administration. For this the co-operation of every one was needed more especially as the war was knocking at the door. Any effort in the direction of safeguarding industrial progress should have the support of the House. In this view he supported the measure.

Mr. M.N.JOIS stated that the speakers who

had so far taken part in the discussion had concentrated on one point only, the labour problem. Only that seemed to be prominent in their minds. If that had been the case, the measure would have come before the House in a different form altogether. The word used in the measure was "services" and it had been used in a very wide sense, which might include a taluk office clerk as well as a hotel proprietor or a cooly; or even a shopkeeper might come within the scope of the law. Their movements might be restricted and controlled. At the same time it did not provide for any relief to the families of the dead and injured and also to those who had lost their property. In respect of such a measure which sought to restrict the rights and liberties of the people under the cover of war, the party could not remain silent on the ground that it was a war measure. For this reason it was that the Congress Party was opposing the measure. It might be argued that in other governments such a law had been introduced, and as such there ought to be no objection to its ~~intern~~ introduction in the State also. His reply to any such argument was that such laws were not in force in other governments which had not a popular ministry. While for beneficial measures of Government the party would extend their support, they could not do so in respect of measures of the type now before the House.

THE MYSORE REPRESENTATIVE ASSEMBLY.

Budget Session, June 1942.

Second Day.

2 P.M. to 3-15 P.M.

Minister for Law.- 7, 8 & 9.

Mr. A. MIDDLETON .- who spoke next, pointed out that there was nothing objectionable in the bill as its introduction was necessitated by the war. If the members did not support it, he said, they would be indirectly helping the enemy. Many industrial concerns in the country, were - engaged in war production and even if a single article required for the prosecution of the war was not made available in time, the safety of the country would be jeopardised. The member said that in England, even women between 18 and 40 years of age were being recruited to serve in the first line of the army. It behoved therefore that every true lover of the country to direct his energies in supporting every measure calculated to the successful prosecution of the war. From this point of view, he wholeheartedly supported the measure.

Mr. NAWAB SHEK KHAN .- in supporting the bill, said that if under it, extraordinary powers were proposed to be vested in the Government of the day, it was only with the best intention of protecting the life of every citizen of the State and safeguarding the interests of the industrial concerns in it. Such powers were necessary for the Government to meet extraordinary situations if and when they arose. In England, extraordinary powers unheard of in the past had been conferred on the Prime Minister Mr. Winston Churchill and there was nothing wrong in investing the Government with additional powers in the State. He had no doubt whatever that the powers proposed to be vested in the Government would be exercised only in a grave situation and not otherwise. He did not consider that the modification suggested by the Mr. Syed Khazi Yusuf was not necessary.

Rao Bahadur M.S. Nanjundiah, said that as the bill sought to treat both the employer and the employees alike (vide clause 5), the measure deserved the support of every one in the House. He agreed with Mr. N. Rama Rao that it was not necessary to place the bill permanently on the Staute Book as it was only a war emergency measure. He also felt that the word "unpaid" should be deleted as it might cause serious hardship to the employees.

Referring to clause 8, he said that as the clause was framed Government had power to notify the employment or the class of employment to which this bill would apply. But they had no power to rescind any such notification and exclude any employment from the application of this law. If the Government took power for the latter also, much of the sting in the measure would be removed. With these suggestions he supported the measure.

Mr. T.S. RAJAGOPALAIENGAR.- said that the suggestion of Mr. Bhupalam R. Chandrasekharayya that an Advisory Committee might be appointed ~~subsequent~~ to consider the regulations of wages and conditions of service, only went to show that the measure was a very stringent one. Refer - ring to the argument of Mr. N. Rama Rao that ~~and~~ under emergent circumstances, the Government which was the supreme authority in the State, should be vested with wide powers, the member said that that was possible only when Responsible Government functioned in the State. For, then the people would have the power to throw out such a Government if it abused its powers in any manner. Some of the clauses in the bill were harsh. Moreover, the proposed bill was going to be placed permanently on the Statute Book, as there was no indication anywhere in the ~~measure~~ bill that it was a pro tempo measure. Also 'labour' might

come under this law since the term "essential services" had remained undefined. For these reasons,he opposed the measure.

Mr. SITHARAMA SASTRI, in supporting the bill, said that the situation as was of such a grave nature that it demanded a rigorous measure of the kind under discussion. Whether there was responsible Government or not, such a law was necessary in the interests of the safety of the public and the industries in the State. He did not see any need for the Constitution of an advisory committee as suggested by Mr. Bhupalam Chandrasekharayya for the reason that the Government could ill afford to lose time in consulting such a committee before taking action to face an emergency. This principle of consulting committees was incompatible with measures of this nature.

Referring to the objection of Mr. T.S. Rajagopalatengarkhat that "essential services" had not been defined in the Bill, the speaker said that at the present day every service was important. It was necessary for the people to strive every mean nerve to do all that lay in their power for the speedy and successful prosecution of the war in supplying the allies from a small pin up to a big machine gun.

Mr. K. HANUMANTHIAH, regretted at the surprise felt by some members towards the policy of the Congress. He assured the House that members of the congress party had not opposed the measure merely for the sake of opposing it but they had sufficient grounds to do so after having considered the bill threadbare. It was not their intention to place obstacles in the way of Government more esp especially at a time like the present. They opposed the bill tooth and nail firstly because there was an element

of compulsion involved in it. Secondly, the measure was brought forward merely because it was sponsored by the Governor-General. After all the bill was not necessitated by the circumstances prevailing in Mysore but it was only the "Carbon Copy" of the ordinance passed by the Government of India. That was because, the Government of ~~India~~ Mysore had no powers to act independently of the Government of India. The present war was being fought mainly with the idea of conquest and not with any good motive of giving freedom or ~~intepne~~ independence to the subject nations. He proceeded to say that if the congress had adopted a policy of neutrality lately, it was only with the noble objective of not embarassing the Government which already in the midst of acerbities. It only kept in abeyance, active movement for the realization of Responsible Government.

Mr. V. VENKATAPPA, said that it was not possible for him to reply to every one of the criticisms offered by the members. Some of the members asked whether the congress would co-operate with the Government if Responsible Government was promised. He could not give an off hand reply to the question at the present moment. But, the Government of the day did not enjoy the confidence of the people and there was no surprise if it could not obtain the support of the vast majority.

As regards the Bill, he said that as Mr. K. Hanumanthiah had already explained this bill would apply to all classes of workers, exgx, for example, the cooly, the pay-master, clerk in a concern and so on. Several measures introduced by Government with good intentions had baneful effects on the public. The people were aware how the

the Public Secury Act was being enforced. There was a drive for food production and it had its own evil effects. When the Government tried to collect statistics of food stuffs, that again resulted in heavy loss to Government. For these reasons, he felt it was not safe to arm the Government with the powers propose proposed under the measure. The position in England or Australia was quite different. There the Government was responsible to the public and was changing its policy to suit the views of the public. Such was not the case in the State.

Mr. S.C. MALLIAH, - who spoke next, said that he was not satisfied with the policy adopted by the congress party in the House. Instead of giving their views on the question whether the measure was necessary or not, the party opposed it on the ground that there was no popular ministry in the State. Only the previous day when certain war measures were discussed they remained neutral and even though the Special Criminal Courts Bill contained harsh provisions in it. He was sorry to hear the statement of the congress members that they had no confidence in the present Government. If, instead of making such statement, they had said that the ministry was not one elected by the people, he would have supported it.

At this stage, Mr. N. Rama Rao raised a point of order that the member was indulging in party politics.

The President replied that the member was only replying to the points on which the congress party opposed the bill.

Continuing, Mr. S. C. Malliah said that though only 2 months back, the congress party had resolved not to press for Responsible Government on the ground that there was no responsible ministry in the State was tantamount to demanding

Responsible Government. They were not justified in acting in this manner.

The speaker, proceeding, said that the war was knocking at the door it behoved every one in the State, irrespective of the school of politics to which he belonged to work for the cause of the country. Water, electric power, food stuffs and other essentials were the necessaries of life and the Government should have powers to see that there was no breakdown in the supply.

Another objection to the bill lay in the fact that it was proposed to be introduced in the State merely because such a law had been enacted in British India. Opposition on such a ground was not justified. India being a sub-continent if one part of it was affected, the other also was sure be affected and so any legislation introduced in British India should find a place in the Statute Book of the State. He also suggested the deletion of the word "unpaid" in the definition in clause 2. He hoped that the measure being an emergency measure would be rescinded after the war. With these remarks he suggested supported the bill.

Mr. S.N.M. RAZVI.- was the next speaker who supported the bill. He said that instead of a discussion on the merits of the Bill there was a debate on Responsible Government. He did would not like to indulge in politics but would content himself by saying that no party in the State, whether Congress or Muslim League or any other was justified in saying that they could not support the measure because of the reason that there was no responsible Government in the State. So long as the members owed allegiance to His Highness and His Highness's Government, they could not say that they had

no confidence in the Government.

Referring to the Bill itself, he said that as suggested by one of the previous speakers, it was desirable to have a committee to regulate wages etc.

Rajaseva prasakta Mr. A.V. RAMANATHAN, (MINISTER FOR LAW) replying to the debate, observed that there was a prolonged discussion on the bill. The congress members opposed the measure on the ground that such extraordinary powers should not be vested in the Ministry as constituted at present. Several other members had discussed the measure from the point of view of its necessity or otherwise and the points raised by some have been answered by the others. He would therefore confine himself to explaining some of the points raised in the course of discussion on the principles of the bill. One of the members remarked in the course of his observations that this was a carbon copy of the Act introduced by the Governor-General. There was ~~no mistake~~ nothing inherently wrong in making use of a carbon copy. On the other hand it would often be advantageous because there was no likelihood of any mistakes creeping in. The Government of India, as a result of the experience gained in Burma and other threatres of war, introduced this measure in December 1941, ~~but the State~~ did not adopt it immediately, ~~because they~~ thought there was no need for it. But they introduced it ~~only~~ in February as an emergency ordinance when they thought that ~~such a measure was a necessity to face any~~ emergent situation ~~that~~ might arise. If a measure was in the interests of the public, ~~there should be~~ no objection ~~to introducing it merely for the reason~~ that it was passed by others.

The second point raised was that there was no need to keep the measure permanently on the Statute Book. As was

already stated by the President, the life of an emergency measure was only six months and as it was necessary to have the measure in force for a much longer time, i.e., till the close of the war, it was proposed to be placed permanently on the State Statute Book. This and other war measures were permanent in the sense that they had a longer lease of life than an ordinance. Immediately the war ended and the necessity for such measures ceased to exist they would be ~~rescinded~~ repealed.

A suggestion was made that the term "unpaid" in clause 8 should be deleted. All "unpaid" service would not come under the Law but only those on which the administration would depend for help. In respect of this matter, he gave an assurance, that in respect of ~~persons to be noted out to~~ prosecution in such cases "unpaid services" Government would not ~~authorise any body else to act in their behalf as proposed in~~ voluntarily delegate clause 7 (8), * any subordinate authority but would themselves deal with such cases.

Referring to the objection that essential services had not been defined, he observed that every service - military, maintenance of order, maintenance of supplies, Transport, sanitary service, water supply, medicines, Electrification all these were essential. Further Whether the A.U.F. Labour would be there included he could not say at present. Fireman would not come within the definition of the term. The co-operative societies to which grants had been made for stocking food supplies ~~and others who would be willing to stand by the Government would all come under the law.~~ Could apply for the Act

As regards compensation to those sustaining inj
he said there was a separate measure for the purpose and that it was provided by
the House had given its support to it only the previous day.

In conclusion, he said that the measure was proposed to be introduced with the sole object of facing any danger that might arise, and not for anything else. Exercising Powers was a serious responsibility. Govt. did not seek any powers for their deleclation. The attributed were actually sought entirely for protecting the people from grave danger.

Thereupon the principles principles of the measure were put and passed 146 voting in favour and 128 against

At this stage the House adjourned for lunch and reassembled at 3.45 P.M.